

**Introduced by Committee on Local Government (Senators
Torlakson (Chair), Ackerman, Hollingsworth, Machado,
Margett, Perata, and Soto)**

February 2, 2004

An act to amend Section 17924 of the Business and Professions Code, to amend Sections 6047.70, 6047.76, 6047.77, 6047.82, 6047.97, 6253, 30801, 30803, 30805, and 30850 of, and to repeal Section 30806 of, the Food and Agricultural Code, to amend Sections 24003, 25502.3, 26806, 26835, 26859, 51238.2, 54222, 54975, 55631, 66452.6, and 66473.7 of the Government Code, to amend Sections 11534 and 11910 of the Public Utilities Code, to amend Sections 34701 and 60622 of the Water Code, and to amend Section 16809.4 of the Welfare and Institutions Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 1165, as introduced, Committee on Local Government. Local Government Omnibus Act of 2004.

(1) Existing law makes it a misdemeanor punishable by a fine not to exceed \$1,000 to file a false fictitious business name statement with the county clerk. Existing law requires the county clerk to furnish without a charge a form with respect to filing that statement.

This bill would revise the requirements of that form to correctly state that the fine may not exceed \$1,000.

(2) Existing law imposes various duties on the county clerk, the clerk of the court, and other county officials.

This bill would amend various provisions of law to clarify that certain of those duties are not assigned to the county clerk.

(3) Existing law that authorizes local government officials to levy benefit assessments to raise revenue to fund control of winegrape pests generally refers to the board of supervisors in those provisions.

This bill would replace “legislative body” with “board of supervisors” in several related provisions.

(4) Existing law permits the board of supervisors in counties having a population of less than 200,000 to authorize the purchasing agent to make contacts for services with independent contractors when the cost does not exceed \$50,000 which may be adjusted by any annual increase in the California Price Index.

This bill would change that reference to the California Consumer Price Index.

(5) Existing law authorizes a county board of supervisors or city council to permit mineral extraction that is not a compatible use from land that is under a Williamson Act land conservation contract subject to specified conditions.

This bill would correct a statutory cross-reference in that provision and make technical nonsubstantive changes.

(6) Existing law generally requires any state or local agency, prior to disposing of surplus land, to send a written offer to sell or lease the property to certain other public entities, depending upon the purposes for which the land is suitable.

This bill would delete as obsolete the requirement to send a written offer to sell or lease any surplus property in a designated program area to the program area agent.

(7) Existing law requires the county board of supervisors to include in the Local Appointments List all appointments to the local agency formation commission.

This bill would revise obsolete statutory references to the law governing local agency formation commission membership.

(8) Existing law authorizes the legislative body of any local agency to contract with any other local agency for the furnishing of fire or police protection to the other local agency.

This bill would revise the definition of local agency for purposes of that authorization to include a joint powers authority that provides fire protection services.

(9) Existing law provides that an approved or conditionally approved tentative map expires after 24 months unless extended pursuant to a local ordinance not to exceed an additional 12 months. However, if the subdivider is required to spend \$125,000 or more for



offsite public improvements, the expiration date is extended by 36 months. The amount that is required to be expended on those improvements to cause the 36-month extension is annually increased by the State Allocation Board by a prescribed procedure.

This bill would change the base \$125,000 amount to \$178,000.

(10) Existing law requires the legislative body of a city or county to include as a condition in any tentative map that includes a subdivision a requirement that a sufficient water supply shall be available.

This bill would correct a cross-reference to this requirement.

(11) Existing law relating to municipal utility districts, prohibits the board of directors from passing an ordinance within 3 days of its introduction and requires ordinances to be published after passage once a week for 2 weeks in a newspaper of general circulation published within the district.

This bill instead would prohibit the passage of an ordinance within 5 days of its introduction. The bill would permit the publication of an ordinance to be satisfied by the publication of a summary of an ordinance meeting prescribed requirements.

(12) Existing law states that directors of districts formed under the California Water District Law that have been elected or appointed pursuant to the Uniform District Election Law shall take office at noon on the last Friday in November following the general district election.

This bill would change that date to the first Friday in December next following the general district election.

(13) Existing law requires that contracts and other documents executed by a water replenishment district shall be signed by the president and the secretary.

This bill instead would require that all contracts and other documents executed by the district that require or authorize the district to expend \$10,000 or more shall be authorized by the board of directors and signed by the president and the secretary except that the board may, by resolution for a specific expenditure, authorize a district representative to sign contracts or other documents not to exceed \$25,000. The bill would also authorize the district manager or other authorized representative to approve and sign contracts and documents to expend less than \$10,000, as specified.

(14) Existing law requires that the Ralph M. Brown Act apply to meetings of the County Medical Services Program Governing Board.

This bill would make several technical, nonsubstantive changes to that requirement.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) This act shall be known and may be cited as
2 the Local Government Omnibus Act of 2004.

3 (b) The Legislature finds and declares that Californians desire
4 their government to be run efficiently and economically and that
5 public officials should avoid waste and duplication wherever
6 possible. The Legislature further finds and declares that it desires
7 to control its own operating costs by reducing the number of
8 separate bills. Therefore, it is the intent of the Legislature in
9 enacting this act to combine several minor, noncontroversial
10 statutory changes relating to local government into a single
11 measure.

12 SEC. 2. Section 17924 of the Business and Professions Code
13 is amended to read:

14 17924. (a) The county clerk shall furnish without charge a
15 form satisfying the requirements of subdivision (a) of Section
16 17913. The form prepared by the county clerk, or the material
17 provided by him with the form, shall include statements
18 substantially as follows:

19
20 (1) “Your fictitious business name statement must be
21 published in a newspaper once a week for four successive weeks
22 and an affidavit of publication filed with the county clerk when
23 publication has been accomplished. The statement should be
24 published in a newspaper of general circulation in the county
25 where the principal place of business is located. The statement
26 should be published in such county in a newspaper that
27 circulates in the area where the business is to be conducted
28 (Business and Professions Code Section 17917).”

29 (2) “Any person who executes, files, or publishes any
30 fictitious business name statement, knowing that such statement
31 is false, in whole or in part, is guilty of a misdemeanor and upon
32 conviction thereof shall be fined not to exceed ~~five hundred~~
33 ~~dollars (\$500)~~ *one thousand dollars (\$1,000)* (Business and
34 Professions Code Section 17930).”

1
2 These statements do not constitute a part of the fictitious business
3 name statement and are not required to be published pursuant to
4 Section 17917.

5 (b) The county clerk may furnish without charge forms
6 meeting the requirements for a statement of abandonment of use
7 of fictitious business name and a statement of withdrawal from
8 partnership operating under fictitious business name.

9 SEC. 3. Section 6047.70 of the Food and Agricultural Code
10 is amended to read:

11 6047.70. (a) The board of supervisors shall fix a time and
12 place for a hearing of the petition.

13 (b) The hearing shall not be less than 20 days, or more than 40
14 days, after the filing of the petition with the board of supervisors.

15 (c) The board of supervisors shall order the ~~county~~ clerk of the
16 board of supervisors to give notice of the hearing that will do the
17 following:

18 (1) State the time and place for the hearing that was fixed by the
19 board of supervisors.

20 (2) State that at the hearing protests will be considered by the
21 board of supervisors.

22 (3) State that requests in writing for the exclusion of lands
23 from, or the inclusion of lands in, the proposed district, will be
24 heard and considered by the board of supervisors.

25 (4) State that the petition is available for inspection at the office
26 of the clerk of the board of supervisors.

27 (5) Designate the boundaries of the proposed district in
28 substantially the same way that they are described in the petition.

29 SEC. 4. Section 6047.76 of the Food and Agricultural Code
30 is amended to read:

31 6047.76. (a) If the board of supervisors determines that the
32 project is feasible and in the interest of the table grape growers of
33 the county, the board of supervisors shall, by order entered in its
34 minutes, declare the district is duly organized under the name
35 designated in the petition for the formation of the district, subject
36 to a majority vote of table grape growers in the district.

37 (b) The order shall describe the territory included in the district
38 and, if the board of supervisors does not exclude or include land
39 pursuant to Section 6047.78, it is a sufficient description of the

1 territory to describe the boundaries in substantially the same way
2 as they are described in the petition.

3 (c) A copy of the order certified by the clerk of the board of
4 supervisors shall be filed with the county ~~clerk~~ *elections official*
5 and an election shall be held among the table grape growers
6 registered pursuant to Section 6047.68, as being in the district.

7 SEC. 5. Section 6047.77 of the Food and Agricultural Code
8 is amended to read:

9 6047.77. (a) Within 60 days of the filing of the supervisors'
10 declaration that the district is organized, an election among
11 registered table grape growers shall be conducted.

12 (b) The county ~~clerk~~ *elections official* shall report the results of
13 the election to the board of supervisors.

14 (c) If a majority of the eligible votes supports the decision of
15 the board of supervisors to create a Table Grape Pierce's Disease
16 Pest Abatement District, the ~~county~~ *clerk of the board of*
17 *supervisors* shall file the board of supervisors' order and results of
18 the election for the record in the office of the county recorder.

19 SEC. 6. Section 6047.82 of the Food and Agricultural Code
20 is amended to read:

21 6047.82. (a) From and after the filing for record of the order
22 of the board of supervisors declaring the district organized, and
23 certification from the county ~~clerk~~ *elections official* that the
24 grower vote upheld the creation of the district, pursuant to Sections
25 6047.76 and 6047.77, and the appointment and qualification of its
26 first board of directors, the organization of the district is complete.
27 The district shall operate for a period of five years from the date
28 of its organization, and shall cease to exist after five years unless
29 the district is reauthorized the board of supervisors.

30 (b) The board of directors shall hold a public hearing six
31 months prior to termination of its initial organization or last
32 reauthorization to determine whether the conditions of the
33 glassy-winged sharpshooter or Pierce's disease warrant the
34 reauthorization of the district for an additional five years.

35 (c) The notice of hearing shall state the name of the district and
36 that consideration is being given to reauthorizing the district for an
37 additional five years, the boundaries of the district, and the time
38 and place for the hearing. Notice of the hearing shall be given as
39 provided in Sections 6047.71 and 6047.72. The board of directors
40 shall submit the record of the hearing and its recommendation to



1 the board of supervisors within 90 days of the hearing. The board
2 of supervisors shall approve or reject the recommendation. If it
3 rejects the recommendation, the board of supervisors shall return
4 the report accompanied by its reasons for the rejection to the board
5 of directors within 30 days of receipt. The board of directors may
6 thereafter address the reasons for rejection by the board of
7 supervisors and submit an amended report and new
8 recommendations for reauthorization for approval or rejection by
9 the board of supervisors, unless the district has ceased to exist
10 pursuant to subdivision (a).

11 (d) If the board of supervisors approves the continuation of the
12 district, the board shall, by an order entered in its minutes, declare
13 the district duly extended subject to a majority vote of table grape
14 growers in the district. The grower vote shall be held pursuant to
15 Section 6047.77.

16 SEC. 7. Section 6047.97 of the Food and Agricultural Code
17 is amended to read:

18 6047.97. (a) The board shall, on or before the first Monday
19 in April of each year, or as soon thereafter as possible, file with the
20 board of supervisors a budget that sets forth all estimated
21 expenditures of the district for the fiscal year commencing on the
22 first day of July. A copy of the budget shall also, at the same time,
23 be filed with the auditor of the county.

24 (b) The board of supervisors may, by ordinance or by
25 resolution, adopted after notice and a hearing, determine and levy
26 an assessment for table grape pest and disease control activities for
27 any of the following purposes:

28 (1) Responding to, managing, and controlling the effects of the
29 spread of glassy-winged sharpshooter and other pests that attack
30 table grape plants.

31 (2) Collecting and disseminating to table grape producers in the
32 district relevant information and scientific studies concerning the
33 pest or pests.

34 (3) Charting and determining the extent and location of any
35 Pierce's disease infestations.

36 (4) Reimbursing the county or counties in which the district is
37 located for expenses incurred in connection with providing
38 services under this article that are not otherwise reimbursed.

39 (c) The annual assessment shall not exceed fifteen dollars (\$15)
40 per planted acre.

1 (d) An annual assessment greater than the amount provided for
2 in this section may not be charged unless a greater assessment is
3 approved by eligible growers pursuant to subdivisions (a) and (b)
4 of Section 6047.64.

5 (e) The board of supervisors shall cause to be prepared and filed
6 with the clerk of the board of supervisors a written report that
7 contains all of the following information:

8 (1) A description of each parcel of property proposed to be
9 subject to the assessment.

10 (2) The amount of the assessment of each parcel for the initial
11 fiscal year.

12 (3) The maximum amount of the assessment that may be levied
13 for each parcel during any fiscal year.

14 (4) The duration of the assessment.

15 (5) The basis of the assessment.

16 (6) The schedule of the assessment.

17 (7) A description specifying the requirements for written and
18 oral protests, and the protest threshold necessary for requiring
19 abandonment of the proposed assessment pursuant to subdivision
20 (f).

21 (f) Unless otherwise excluded, the assessment shall be levied
22 on each parcel within the boundaries of the district, zone, or area
23 of benefit.

24 (g) (1) ~~The legislative body~~ *board of supervisors* shall comply
25 with the notice, protest, and hearing procedures in Section 53753
26 of the Government Code.

27 (2) In addition, the mailed notice shall include the name of the
28 district, the return address of the sender, the amount of the
29 assessment for the initial fiscal year, the maximum amount of the
30 assessment that may be levied during any fiscal year and the name
31 and telephone number of the person designated by the board of
32 supervisors to answer inquiries regarding the protest proceedings.

33 SEC. 8. Section 6253 of the Food and Agricultural Code is
34 amended to read:

35 6253. (a) The board shall, on or before the first Monday in
36 April of each year, file with the board of supervisors a budget that
37 sets forth all estimated expenditures of the district for the fiscal
38 year commencing on the first day of July. A copy of the budget
39 shall also, at the same time, be filed with the auditor of the county.

(b) The board of supervisors may, by ordinance or by resolution, adopted after notice and hearing, determine and levy an assessment for winegrape pest and disease control activities for any of the following purposes:

(1) Responding to, managing, and controlling the effects of the spread of the phylloxera pest and other pests that attack winegrape plants.

(2) Collecting and disseminating to winegrape producers in the district all relevant information and scientific studies concerning the pest or pests.

(3) Charting and determining the extent and location of any infestations.

(c) The annual assessment shall not exceed five dollars (\$5) per planted acre.

(d) The board of supervisors shall cause to be prepared and filed with the clerk of the board of supervisors a written report that contains all of the following information:

(1) A description of each parcel of property proposed to be subject to the assessment.

(2) The amount of the assessment of each parcel for the initial fiscal year.

(3) The maximum amount of the assessment that may be levied for each parcel during any fiscal year.

(4) The duration of the assessment.

(5) The basis of the assessment.

(6) The schedule of the assessment.

(7) A description specifying the requirements for written and oral protests, and the protest threshold necessary for requiring abandonment of the proposed assessment pursuant to subdivision (f).

(e) (1) The board may establish zones or areas of benefit within the district, and may restrict the imposition of assessments to areas lying within one or more of the zones or areas of benefit established within the district.

(2) The assessment shall be levied on each parcel within the boundaries of the district, zone, or area of benefit.

(f) (1) The ~~legislative body~~ *board of supervisors* shall comply with the notice, protest, and hearing procedures in Section 53753 of the Government Code.

(2) In addition, the mailed notice shall include the name of the district, the return address of the sender, the amount of the assessment for the initial fiscal year, the maximum amount of the assessment that may be levied during any fiscal year and the name and telephone number of the person designated by the board of supervisors to answer inquiries regarding the protest proceedings.

SEC. 9. Section 30801 of the Food and Agricultural Code is amended to read:

30801. (a) A board of supervisors may provide for the issuance of serially numbered metallic dog licenses pursuant to this section. The dog licenses shall be:

~~(1) Stamped be stamped~~ with the name of the county and the year of issue.

~~(2) (A) Unless the board of supervisors designates the animal control department to issue the licenses, issued by the county clerk, to owners of dogs, that make application.~~

~~(B)~~

(b) The board of supervisors or animal control department may authorize veterinarians to issue the licenses to owners of dogs that make application.

~~(b)~~

(c) The licenses shall be issued for a period of not to exceed two years.

~~(e)~~

(d) In addition to the authority provided in subdivisions (a) ~~and (b)~~, (b), and (c), a license may be issued, as provided by this section, by a board of supervisors for a period not to exceed three years for dogs that have attained the age of 12 months, or older, and who have been vaccinated against rabies. The person to whom the license is to be issued pursuant to this subdivision may choose a license period as established by the board of supervisors of up to one, two, or three years. However, when issuing a license pursuant to this subdivision, the license period shall not extend beyond the remaining period of validity for the current rabies vaccination.

SEC. 10. Section 30803 of the Food and Agricultural Code is amended to read:

30803. (a) ~~The county clerk or~~ animal control department shall endorse upon the application for a dog license tag the number of the license tag issued.

At

1 (b) All applications ~~which~~ *that* have been endorsed shall be
2 kept on file in the office of the ~~county clerk or~~ animal control
3 department open to public inspection.

4 SEC. 11. Section 30805 of the Food and Agricultural Code is
5 amended to read:

6 30805. The board of supervisors shall fix the compensation of
7 ~~the county clerk or~~ animal control department for issuing dog
8 license tags.

9 SEC. 12. Section 30806 of the Food and Agricultural Code is
10 repealed.

11 ~~30806. In any county that does not have an animal control~~
12 ~~department, the county clerk shall perform the functions assigned~~
13 ~~to the county animal control department in this chapter.~~

14 SEC. 13. Section 30850 of the Food and Agricultural Code is
15 amended to read:

16 30850. (a) ~~The county clerk or~~ animal control department
17 shall endorse upon the application for an assistance dog
18 identification tag the number of the identification tag issued. As
19 used in this chapter, “assistance dogs” are dogs specially trained
20 as guide dogs, signal dogs, or service dogs. All applications that
21 have been endorsed shall be kept on file in the office of the ~~county~~
22 ~~clerk or~~ animal control department and shall be open to public
23 inspection.

24 (b) Whenever a person applies for an assistance dog
25 identification tag, the person shall sign an affidavit stating as
26 follows:

27 “By affixing my signature to this affidavit, I hereby declare I
28 fully understand that Section 365.7 of the Penal Code prohibits any
29 person to knowingly and fraudulently represent himself or herself,
30 through verbal or written notice, to be the owner or trainer of any
31 canine licensed as, to be qualified as, or identified as, a guide dog,
32 signal dog, or service dog, as defined in subdivisions (d), (e), and
33 (f), respectively, of Section 365.5 of the Penal Code and paragraph
34 (6) of subdivision (b) of Section 54.1 of the Civil Code, and that
35 a violation of Section 365.7 of the Penal Code is a misdemeanor,
36 punishable by imprisonment in a county jail not exceeding six
37 months, by a fine not exceeding one thousand dollars (\$1,000), or
38 by both that imprisonment and fine.”

39 (c) Upon the death or retirement of an assistance dog, the owner
40 or person in possession of the assistance dog identification tag

1 shall immediately return the tag to the ~~county clerk or~~ animal
2 control department that issued the tag.

3 SEC. 14. Section 24003 of the Government Code is amended
4 to read:

5 24003. The county veterinarian shall at the time of his *or her*
6 appointment be a qualified veterinary surgeon having ~~on file in the~~
7 ~~office of the county clerk~~ a certificate issued to him *or her* by the
8 Veterinary Medical Board.

9 SEC. 15. Section 25502.3 of the Government Code is
10 amended to read:

11 25502.3. In counties having a population of less than 200,000,
12 the board of supervisors may authorize the purchasing agent to
13 engage independent contractors to perform services for the county
14 or county officers, with or without the furnishing of material, when
15 the aggregate cost does not exceed fifty thousand dollars
16 (\$50,000), except that this amount shall be adjusted annually by
17 any annual increase in the California *Consumer* Price Index as
18 determined pursuant to Section 2212 of the Revenue and Taxation
19 Code.

20 SEC. 16. Section 26806 of the Government Code is amended
21 to read:

22 26806. (a) In counties having a population of 900,000 or
23 over, the ~~county clerk of the court~~ may employ as many foreign
24 language interpreters as may be necessary to interpret in criminal
25 cases in the superior ~~and municipal~~ courts, and in the juvenile court
26 within the county and to translate documents intended for filing in
27 any civil or criminal action or proceeding or for recordation in the
28 county recorder's office.

29 (b) The ~~county clerk, as~~ clerk of the superior court, shall, when
30 interpreters are needed, assign the interpreters so employed to
31 interpret in criminal and juvenile cases in the superior court. When
32 their services are needed, the clerk shall also assign interpreters so
33 employed to interpret in criminal cases in municipal courts.

34 (c) The ~~county~~ clerk *of the court* may also assign the
35 interpreters so employed to interpret in civil cases in superior and
36 municipal courts when their services are not required in criminal
37 or juvenile cases and when so assigned, they shall collect from the
38 litigants the fee fixed by the court and shall deposit the same in the
39 county treasury.

(d) The interpreters so employed shall, when assigned to do so by the ~~county~~ clerk *of the court*, translate documents to be recorded or to be filed in any civil or criminal action or proceeding. The fee to be collected for translating each such document shall be three dollars (\$3) per folio for the first folio or part thereof, and two cents (\$0.02) for each word thereafter. For preparing a carbon copy of such translation made at the time of preparing the original, the fee shall be twelve cents (\$0.12) per folio or any part thereof. All such fees shall be deposited in the county treasury.

SEC. 17. Section 26835 of the Government Code is amended to read:

26835. (a) The ~~county~~ clerk *of the court* shall collect a fee of two dollars (\$2) per signature for any document that he or she is required to authenticate pursuant to court order.

(b) Each document authenticated by the ~~county~~ clerk *of the court* shall contain the following statement:

“____, ~~County Clerk and ex officio~~ Clerk of the Superior Court, in and for the County of _____, State of California. Signed pursuant to court order dated _____ in the matter of _____ petitioner v. _____, respondent, Case No. _____.”

SEC. 18. Section 26859 of the Government Code is amended to read:

26859. At the time of filing of each initial petition for dissolution of marriage, legal separation, or nullity, the petitioner shall pay a fee of two dollars (\$2) to the ~~county~~ clerk *of the court* for the costs of complying with Chapter 10 (commencing with Section 103200) of Part 1 of Division 102 of the Health and Safety Code.

The ~~county~~ clerk *of the court* shall pay one-half of all those fees to the State Registrar of Vital Statistics each month. The State Registrar shall transmit those sums to the ~~State~~ Treasurer for deposit in the General Fund.

SEC. 19. Section 51238.2 of the Government Code is amended to read:

51238.2. Mineral extraction that is unable to meet the principles of Section 51238.1 may nevertheless be approved as compatible use if the board or council is able to document that (a) the underlying contractual commitment to preserve prime *agricultural* land, as defined in subdivision (c) of Section 51201, or (b) the underlying contractual commitment to preserve

1 ~~nonprime~~ land *that is not prime agricultural land* for open-space
2 use, as defined in subdivision ~~(e)~~ (o) of Section 51201, will not be
3 significantly impaired.

4 Conditions imposed on mineral extraction as a compatible use
5 of contracted land shall include compliance with the reclamation
6 standards adopted by the Mining and Geology Board pursuant to
7 Section 2773 of the Public Resources Code, including the
8 applicable performance standards for prime agricultural land and
9 other agricultural land, and no exception to these standards may be
10 permitted.

11 For purposes of this section, “contracted land” means all land
12 under a single contract for which an applicant seeks a compatible
13 use permit.

14 SEC. 20. Section 54222 of the Government Code is amended
15 to read:

16 54222. Any agency of the state and any local agency
17 disposing of surplus land shall, prior to disposing of that property,
18 send a written offer to sell or lease the property as follows:

19 (a) A written offer to sell or lease for the purpose of developing
20 low- and moderate-income housing shall be sent to any local
21 public entity as defined in Section 50079 of the Health and Safety
22 Code, within whose jurisdiction the surplus land is located.
23 Housing sponsors, as defined by Section 50074 of the Health and
24 Safety Code, shall, upon written request, be sent a written offer to
25 sell or lease surplus land for the purpose of developing low- and
26 moderate-income housing. All notices shall be sent by first-class
27 mail and shall include the location and a description of the
28 property. With respect to any offer to purchase or lease pursuant
29 to this subdivision, priority shall be given to development of the
30 land to provide affordable housing for lower income elderly or
31 disabled persons or households, and other lower income
32 households.

33 (b) A written offer to sell or lease for park and recreational
34 purposes or open-space purposes shall be sent:

35 (1) To any park or recreation department of any city within
36 which the land may be situated.

37 (2) To any park or recreation department of the county within
38 which the land is situated.

39 (3) To any regional park authority having jurisdiction within
40 the area in which the land is situated.

(4) To the State Resources Agency or any agency which may succeed to its powers.

(c) A written offer to sell or lease land suitable for school facilities construction or use by a school district for open-space purposes shall be sent to any school district in whose jurisdiction the land is located.

(d) A written offer to sell or lease for enterprise zone purposes any surplus property in an area designated as an enterprise zone pursuant to Section 7073 shall be sent to the nonprofit neighborhood enterprise association corporation in that zone.

(e) A written offer to sell or lease for the purpose of developing property located within an infill opportunity zone designated pursuant to Section 65088.4 or within an area covered by a transit village plan adopted pursuant to the Transit Village Development Planning Act of 1994, Article 8.5 (commencing with Section 65460) of Chapter 3 of Division 1 of Title 7 shall be sent to any county, city, city and county, community redevelopment agency, public transportation agency, or housing authority within whose jurisdiction the surplus land is located.

~~(f) A written offer to sell or lease any surplus property in a designated program area, as defined in subdivision (i) of Section 7082, shall be sent to the program area agent.~~

~~(g) The entity or association desiring to purchase or lease the surplus land for any of the purposes authorized by this section shall notify in writing the disposing agency of its intent to purchase or lease the land within 60 days after receipt of the agency's notification of intent to sell the land.~~

SEC. 21. Section 54975 of the Government Code is amended to read:

54975. The board of supervisors shall include in the Local Appointments List prepared pursuant to Section 54972 all appointments of public members and alternate public members made to the local agency formation commission pursuant to ~~Sections 56325, 56329, 56330, 56331, and 56333~~ Chapter 2 (commencing with Section 56325) of Part 2 of Division 3.

Whenever an unscheduled vacancy occurs in a local agency formation commission, the board of supervisors shall cause a special vacancy notice to be posted as provided in Section 54974. Final appointment to fill the vacancy may not be made by the

1 appointing body for at least 10 working days after the posting of
2 the notice.

3 SEC. 22. Section 55631 of the Government Code is amended
4 to read:

5 55631. As used in this article, “local agency” means a
6 neighboring city, county, fire protection district, *joint powers*
7 *authority that provides fire protection services*, police protection
8 district, federal government or any federal department or agency.

9 SEC. 23. Section 66452.6 of the Government Code is
10 amended to read:

11 66452.6. (a) (1) An approved or conditionally approved
12 tentative map shall expire 24 months after its approval or
13 conditional approval, or after any additional period of time as may
14 be prescribed by local ordinance, not to exceed an additional 12
15 months. However, if the subdivider is required to expend ~~one~~
16 ~~hundred twenty-five thousand dollars (\$125,000)~~ *one hundred*
17 *seventy-eight thousand dollars (\$178,000)* or more to construct,
18 improve, or finance the construction or improvement of public
19 improvements outside the property boundaries of the tentative
20 map, excluding improvements of public rights-of-way which abut
21 the boundary of the property to be subdivided and which are
22 reasonably related to the development of that property, each filing
23 of a final map authorized by Section 66456.1 shall extend the
24 expiration of the approved or conditionally approved tentative
25 map by 36 months from the date of its expiration, as provided in
26 this section, or the date of the previously filed final map,
27 whichever is later. The extensions shall not extend the tentative
28 map more than 10 years from its approval or conditional approval.
29 However, a tentative map on property subject to a development
30 agreement authorized by Article 2.5 (commencing with Section
31 65864) of Chapter 4 of Division 1 may be extended for the period
32 of time provided for in the agreement, but not beyond the duration
33 of the agreement. The number of phased final maps that may be
34 filed shall be determined by the advisory agency at the time of the
35 approval or conditional approval of the tentative map.

36 (2) ~~The Commencing January 1, 2005, and each calendar year~~
37 ~~thereafter, the amount of one hundred twenty-five thousand~~
38 ~~dollars (\$125,000)~~ *one hundred seventy-eight thousand dollars*
39 *(\$178,000)* shall be annually increased by operation of law
40 according to the adjustment for inflation set forth in the statewide

1 cost index for class B construction, as determined by the State
2 Allocation Board at its January meeting. The effective date of each
3 annual adjustment shall be March 1. The adjusted amount shall
4 apply to tentative and vesting tentative maps whose applications
5 were received after the effective date of the adjustment.

6 (3) "Public improvements," as used in this subdivision,
7 include traffic controls, streets, roads, highways, freeways,
8 bridges, overcrossings, street interchanges, flood control or storm
9 drain facilities, sewer facilities, water facilities, and lighting
10 facilities.

11 (b) (1) The period of time specified in subdivision (a),
12 including any extension thereof granted pursuant to subdivision
13 (e), shall not include any period of time during which a
14 development moratorium, imposed after approval of the tentative
15 map, is in existence. However, the length of the moratorium shall
16 not exceed five years.

17 (2) The length of time specified in paragraph (1) shall be
18 extended for up to three years, but in no event beyond January 1,
19 1992, during the pendency of any lawsuit in which the subdivider
20 asserts, and the local agency which approved or conditionally
21 approved the tentative map denies, the existence or application of
22 a development moratorium to the tentative map.

23 (3) Once a development moratorium is terminated, the map
24 shall be valid for the same period of time as was left to run on the
25 map at the time that the moratorium was imposed. However, if the
26 remaining time is less than 120 days, the map shall be valid for 120
27 days following the termination of the moratorium.

28 (c) The period of time specified in subdivision (a), including
29 any extension thereof granted pursuant to subdivision (e), shall not
30 include the period of time during which a lawsuit involving the
31 approval or conditional approval of the tentative map is or was
32 pending in a court of competent jurisdiction, if the stay of the time
33 period is approved by the local agency pursuant to this section.
34 After service of the initial petition or complaint in the lawsuit upon
35 the local agency, the subdivider may apply to the local agency for
36 a stay pursuant to the local agency's adopted procedures. Within
37 40 days after receiving the application, the local agency shall either
38 stay the time period for up to five years or deny the requested stay.
39 The local agency may, by ordinance, establish procedures for
40 reviewing the requests, including, but not limited to, notice and

1 hearing requirements, appeal procedures, and other administrative
2 requirements.

3 (d) The expiration of the approved or conditionally approved
4 tentative map shall terminate all proceedings and no final map or
5 parcel map of all or any portion of the real property included within
6 the tentative map shall be filed with the legislative body without
7 first processing a new tentative map. Once a timely filing is made,
8 subsequent actions of the local agency, including, but not limited
9 to, processing, approving, and recording, may lawfully occur after
10 the date of expiration of the tentative map. Delivery to the county
11 surveyor or city engineer shall be deemed a timely filing for
12 purposes of this section.

13 (e) Upon application of the subdivider filed prior to the
14 expiration of the approved or conditionally approved tentative
15 map, the time at which the map expires pursuant to subdivision (a)
16 may be extended by the legislative body or by an advisory agency
17 authorized to approve or conditionally approve tentative maps for
18 a period or periods not exceeding a total of five years. The period
19 of extension specified in this subdivision shall be in addition to the
20 period of time provided by subdivision (a). Prior to the expiration
21 of an approved or conditionally approved tentative map, upon an
22 application by the subdivider to extend that map, the map shall
23 automatically be extended for 60 days or until the application for
24 the extension is approved, conditionally approved, or denied,
25 whichever occurs first. If the advisory agency denies a
26 subdivider's application for an extension, the subdivider may
27 appeal to the legislative body within 15 days after the advisory
28 agency has denied the extension.

29 (f) For purposes of this section, a development moratorium
30 includes a water or sewer moratorium, or a water and sewer
31 moratorium, as well as other actions of public agencies which
32 regulate land use, development, or the provision of services to the
33 land, including the public agency with the authority to approve or
34 conditionally approve the tentative map, which thereafter
35 prevents, prohibits, or delays the approval of a final or parcel map.
36 A development moratorium shall also be deemed to exist for
37 purposes of this section for any period of time during which a
38 condition imposed by the city or county could not be satisfied
39 because of either of the following:



1 (1) The condition was one that, by its nature, necessitated
2 action by the city or county, and the city or county either did not
3 take the necessary action or by its own action or inaction was
4 prevented or delayed in taking the necessary action prior to
5 expiration of the tentative map.

6 (2) The condition necessitates acquisition of real property or
7 any interest in real property from a public agency, other than the
8 city or county that approved or conditionally approved the
9 tentative map, and that other public agency fails or refuses to
10 convey the property interest necessary to satisfy the condition.
11 However, nothing in this subdivision shall be construed to require
12 any public agency to convey any interest in real property owned
13 by it. A development moratorium specified in this paragraph shall
14 be deemed to have been imposed either on the date of approval or
15 conditional approval of the tentative map, if evidence was
16 included in the public record that the public agency which owns
17 or controls the real property or any interest therein may refuse to
18 convey that property or interest, or on the date that the public
19 agency which owns or controls the real property or any interest
20 therein receives an offer by the subdivider to purchase that
21 property or interest for fair market value, whichever is later. A
22 development moratorium specified in this paragraph shall extend
23 the tentative map up to the maximum period as set forth in
24 subdivision (b), but not later than January 1, 1992, so long as the
25 public agency which owns or controls the real property or any
26 interest therein fails or refuses to convey the necessary property
27 interest, regardless of the reason for the failure or refusal, except
28 that the development moratorium shall be deemed to terminate 60
29 days after the public agency has officially made, and
30 communicated to the subdivider, a written offer or commitment
31 binding on the agency to convey the necessary property interest for
32 a fair market value, paid in a reasonable time and manner.

33 SEC. 24. Section 66473.7 of the Government Code is
34 amended to read:

35 66473.7. (a) For the purposes of this section, the following
36 definitions apply:

37 (1) "Subdivision" means a proposed residential development
38 of more than 500 dwelling units, except that for a public water
39 system that has fewer than 5,000 service connections,
40 "subdivision" means any proposed residential development that

1 would account for an increase of 10 percent or more in the number
2 of the public water system's existing service connections.

3 (2) "Sufficient water supply" means the total water supplies
4 available during normal, single-dry, and multiple-dry years within
5 a 20-year projection that will meet the projected demand
6 associated with the proposed subdivision, in addition to existing
7 and planned future uses, including, but not limited to, agricultural
8 and industrial uses. In determining "sufficient water supply," all
9 of the following factors shall be considered:

10 (A) The availability of water supplies over a historical record
11 of at least 20 years.

12 (B) The applicability of an urban water shortage contingency
13 analysis prepared pursuant to Section 10632 of the Water Code that
14 includes actions to be undertaken by the public water system in
15 response to water supply shortages.

16 (C) The reduction in water supply allocated to a specific water
17 use sector pursuant to a resolution or ordinance adopted, or a
18 contract entered into, by the public water system, as long as that
19 resolution, ordinance, or contract does not conflict with Section
20 354 of the Water Code.

21 (D) The amount of water that the water supplier can reasonably
22 rely on receiving from other water supply projects, such as
23 conjunctive use, reclaimed water, water conservation, and water
24 transfer, including programs identified under federal, state, and
25 local water initiatives such as CALFED and Colorado River
26 tentative agreements, to the extent that these water supplies meet
27 the criteria of subdivision (d).

28 (3) "Public water system" means the water supplier that is, or
29 may become as a result of servicing the subdivision included in a
30 tentative map pursuant to subdivision (b), a public water system,
31 as defined in Section 10912 of the Water Code, that may supply
32 water for a subdivision.

33 (b) (1) The legislative body of a city or county or the advisory
34 agency, to the extent that it is authorized by local ordinance to
35 approve, conditionally approve, or disapprove the tentative map,
36 shall include as a condition in any tentative map that includes a
37 subdivision a requirement that a sufficient water supply shall be
38 available. Proof of the availability of a sufficient water supply
39 shall be requested by the subdivision applicant or local agency, at
40 the discretion of the local agency, and shall be based on written

1 verification from the applicable public water system within 90
2 days of a request.

3 (2) If the public water system fails to deliver the written
4 verification as required by this section, the local agency or any
5 other interested party may seek a writ of mandamus to compel the
6 public water system to comply.

7 (3) If the written verification provided by the applicable public
8 water system indicates that the public water system is unable to
9 provide a sufficient water supply that will meet the projected
10 demand associated with the proposed subdivision, then the local
11 agency may make a finding, after consideration of the written
12 verification by the applicable public water system, that additional
13 water supplies not accounted for by the public water system are,
14 or will be, available prior to completion of the subdivision that will
15 satisfy the requirements of this section. This finding shall be made
16 on the record and supported by substantial evidence.

17 (4) If the written verification is not provided by the public
18 water system, notwithstanding the local agency or other interested
19 party securing a writ of mandamus to compel compliance with this
20 section, then the local agency may make a finding that sufficient
21 water supplies are, or will be, available prior to completion of the
22 subdivision that will satisfy the requirements of this section. This
23 finding shall be made on the record and supported by substantial
24 evidence.

25 (c) The applicable public water system's written verification of
26 its ability or inability to provide a sufficient water supply that will
27 meet the projected demand associated with the proposed
28 subdivision as required by subdivision (b) shall be supported by
29 substantial evidence. The substantial evidence may include, but is
30 not limited to, any of the following:

31 (1) The public water system's most recently adopted urban
32 water management plan adopted pursuant to Part 2.6
33 (commencing with Section 10610) of Division 6 of the Water
34 Code.

35 (2) A water supply assessment that was completed pursuant to
36 Part 2.10 (commencing with Section 10910) of Division 6 of the
37 Water Code.

38 (3) Other information relating to the sufficiency of the water
39 supply that contains analytical information that is substantially

1 similar to the assessment required by Section 10635 of the Water
2 Code.

3 (d) When the written verification pursuant to subdivision (b)
4 relies on projected water supplies that are not currently available
5 to the public water system, to provide a sufficient water supply to
6 the subdivision, the written verification as to those projected water
7 supplies shall be based on all of the following elements, to the
8 extent each is applicable:

9 (1) Written contracts or other proof of valid rights to the
10 identified water supply that identify the terms and conditions
11 under which the water will be available to serve the proposed
12 subdivision.

13 (2) Copies of a capital outlay program for financing the
14 delivery of a sufficient water supply that has been adopted by the
15 applicable governing body.

16 (3) Securing of applicable federal, state, and local permits for
17 construction of necessary infrastructure associated with supplying
18 a sufficient water supply.

19 (4) Any necessary regulatory approvals that are required in
20 order to be able to convey or deliver a sufficient water supply to
21 the subdivision.

22 (e) If there is no public water system, the local agency shall
23 make a written finding of sufficient water supply based on the
24 evidentiary requirements of subdivisions (c) and (d) and identify
25 the mechanism for providing water to the subdivision.

26 (f) In making any findings or determinations under this section,
27 a local agency, or designated advisory agency, may work in
28 conjunction with the project applicant and the public water system
29 to secure water supplies sufficient to satisfy the demands of the
30 proposed subdivision. If the local agency secures water supplies
31 pursuant to this subdivision, which supplies are acceptable to and
32 approved by the governing body of the public water system as
33 suitable for delivery to customers, it shall work in conjunction with
34 the public water system to implement a plan to deliver that water
35 supply to satisfy the long-term demands of the proposed
36 subdivision.

37 (g) The written verification prepared under this section shall
38 also include a description, to the extent that data is reasonably
39 available based on published records maintained by federal and
40 state agencies, and public records of local agencies, of the



1 reasonably foreseeable impacts of the proposed subdivision on the
2 availability of water resources for agricultural and industrial uses
3 within the public water system's service area that are not currently
4 receiving water from the public water system but are utilizing the
5 same sources of water. To the extent that those reasonably
6 foreseeable impacts have previously been evaluated in a document
7 prepared pursuant to the California Environmental Quality Act
8 (Division 13 (commencing with Section 21000) of the Public
9 Resources Code) or the National Environmental Policy Act
10 (Public Law 91-190) for the proposed subdivision, the public
11 water system may utilize that information in preparing the written
12 verification.

13 (h) Where a water supply for a proposed subdivision includes
14 groundwater, the public water system serving the proposed
15 subdivision shall evaluate, based on substantial evidence, the
16 extent to which it or the landowner has the right to extract the
17 additional groundwater needed to supply the proposed
18 subdivision. Nothing in this subdivision is intended to modify state
19 law with regard to groundwater rights.

20 (i) This section shall not apply to any residential project
21 proposed for a site that is within an urbanized area and has been
22 previously developed for urban uses, or where the immediate
23 contiguous properties surrounding the residential project site are,
24 or previously have been, developed for urban uses, or housing
25 projects that are exclusively for very low and low-income
26 households.

27 (j) The determinations made pursuant to this section shall be
28 consistent with the obligation of a public water system to grant a
29 priority for the provision of available and future water resources
30 or services to proposed housing developments that help meet the
31 city's or county's share of the regional housing needs for lower
32 income households, pursuant to Section 65589.7.

33 (k) The County of San Diego shall be deemed to comply with
34 this section if the Office of Planning and Research determines that
35 all of the following conditions have been met:

36 (1) A regional growth management strategy that provides for
37 a comprehensive regional strategy and a coordinated economic
38 development and growth management program has been
39 developed pursuant to Proposition C as approved by the voters of
40 the County of San Diego in November 1988, which required the

1 development of a regional growth management plan and directed
2 the establishment of a regional planning and growth management
3 review board.

4 (2) Each public water system, as defined in Section 10912 of
5 the Water Code, within the County of San Diego has adopted an
6 urban water management plan pursuant to Part 2.6 (commencing
7 with Section 10610) of the Water Code.

8 (3) The approval or conditional approval of tentative maps for
9 subdivisions, as defined in this section, by the County of San
10 Diego and the cities within the county requires written
11 communications to be made by the public water system to the city
12 or county, in a format and with content that is substantially similar
13 to the requirements contained in this section, with regard to the
14 availability of a sufficient water supply, or the reliance on
15 projected water supplies to provide a sufficient water supply, for
16 a proposed subdivision.

17 (l) Nothing in this section shall preclude the legislative body of
18 a city or county, or the designated advisory agency, at the request
19 of the applicant, from making the determinations required in this
20 section earlier than required pursuant to subdivision ~~(a)~~ (b).

21 (m) Nothing in this section shall be construed to create a right
22 or entitlement to water service or any specific level of water
23 service.

24 (n) Nothing in this section is intended to change existing law
25 concerning a public water system's obligation to provide water
26 service to its existing customers or to any potential future
27 customers.

28 (o) Any action challenging the sufficiency of the public water
29 system's written verification of a sufficient water supply shall be
30 governed by Section 66499.37.

31 SEC. 25. Section 11534 of the Public Utilities Code is
32 amended to read:

33 11534. Except as otherwise provided in this division all
34 ordinances, *summaries of ordinances*, and notices ~~which~~ *that* are
35 required to be published shall be published once a week for two
36 successive weeks (two publications) in a newspaper of general
37 circulation published within the district.

38 SEC. 26. Section 11910 of the Public Utilities Code is
39 amended to read:



11910. (a) No ordinance shall be passed by the board within ~~three~~ five days of the day of its introduction or at any time other than a regular or adjourned regular meeting. All ordinances or summaries of ordinances shall be published after passage.

(b) The publication of ordinances, as required by subdivision (a), may be satisfied by either of the following actions:

(1) Within 15 days after adoption of the ordinance or amendment to an ordinance, the board of directors shall publish a summary of the ordinance or amendment with the names of those directors voting for and against the ordinance or amendment and the secretary shall post in the office of the secretary of the board of directors a certified copy of the full text of the adopted ordinance or amendment along with the names of those directors voting for and against the ordinance or amendment.

(2) If the general manager determines that it is not feasible to prepare a fair and adequate summary of the adopted ordinance or amendment, and if the board of directors so orders, within 15 days after adoption of the ordinance or amendment to an ordinance, a display advertisement of at least one-quarter of a page shall be published. The advertisement shall indicate the general nature of, and provide information about, the proposed or adopted ordinance or amendment, including information sufficient to enable the public to obtain copies of the complete text of the ordinance or amendment, and the names of those directors voting for and against the ordinance or amendment.

SEC. 27. Section 34701 of the Water Code is amended to read:

34701. Officers take office as soon as they qualify except that officers elected or appointed pursuant to the Uniform District Election Law shall take office at noon on the ~~last~~-first Friday in ~~November~~-December next following the general district election.

SEC. 28. Section 60622 of the Water Code is amended to read:

60622. (a) All contracts and other documents executed by the district ~~shall be signed by the president and the secretary that~~ require or authorize the district to expend ten thousand dollars (\$10,000) or more shall be authorized by the board of directors and signed by the president and the secretary except that the board may, by resolution for a specific expenditure, authorize the district manager or other district representative to sign contracts and other documents in the name of the district, not to exceed twenty-five thousand dollars (\$25,000).

1 ***(b) All contracts and other documents executed by the district***
2 ***that require or authorize the district to expend less than ten***
3 ***thousand dollars (\$10,000) may be approved and signed by the***
4 ***district manager or other district representative authorized by the***
5 ***board of directors, provided, however, that the manager may not***
6 ***execute multiple contracts or documents on behalf of the district***
7 ***with the same person or entity within a one-year period that***
8 ***cumulatively total ten thousand dollars (\$10,000) or more, without***
9 ***the board's prior approval.***

10 SEC. 29. Section 16809.4 of the Welfare and Institutions
11 Code is amended to read:

12 16809.4. (a) Counties voluntarily participating in the County
13 Medical Services Program pursuant to Section 16809 may
14 establish the County Medical Services Program Governing Board
15 pursuant to procedures contained in this section. The board shall
16 govern the CMSP program.

17 (b) The membership of the board shall be comprised of all of
18 the following:

19 (1) Three members who shall each be a member of a county
20 board of supervisors.

21 (2) Three members who shall be county administrative
22 officers.

23 (3) Two members who shall be county welfare directors.

24 (4) Two members who shall be county health officials.

25 (5) One member who shall be the Secretary of the Health and
26 Welfare Agency, or his or her designee, and who shall serve as an
27 ex officio, nonvoting member.

28 (c) The board may establish its own bylaws and operating
29 procedures.

30 (d) The voting membership of the board shall meet all of the
31 following requirements:

32 (1) All of the members shall hold office or employment in
33 counties that participate in the CMSP program.

34 (2) The initial CMSP Governing Board shall be composed of
35 the incumbent members of the Small County Advisory Committee
36 holding office on the effective date of this section. Those members
37 shall choose one additional county supervisor and one additional
38 county administrative officer. The initial CMSP Governing Board
39 shall hold office until April 1, 1995.

1 (3) The initial CMSP Governing Board shall be succeeded on
2 April 1, 1995, by a board chosen in the following order so as to
3 ensure that no two representatives shall be from the same county.

4 Following the effective date of this section:

5 (A) The three county supervisor members shall be elected by
6 the CMSP counties acting prior to February 1, 1995, with each
7 county having one vote and convened at the call of the Chair of the
8 CMSP Governing Board.

9 (B) The three county administrative officers shall be elected by
10 the administrative officers of the CMSP counties convened at the
11 call of the Chair of the CMSP Governing Board prior to February
12 15, 1995.

13 (C) The two county health officials shall be selected by the
14 health officials of the CMSP counties convened at the call of the
15 Chair of the CMSP Governing Board prior to March 1, 1995.

16 (D) The two county welfare directors shall be elected by the
17 welfare directors of the CMSP counties convened at the call of the
18 Chair of the CMSP Governing Board prior to March 15, 1995.

19 (4) Board members shall serve three-year terms.

20 (5) No two persons from the same county may serve as
21 members of the board at the same time.

22 (e) (1) The board shall convene its first meeting at the call of
23 the Chair of the Small County Advisory Committee, who shall
24 serve as interim chairperson of the board.

25 (2) The board may elect a permanent chair.

26 (f) (1) The CMSP Governing Board is hereby established with
27 the following powers:

28 (A) Determine program eligibility and benefit levels.

29 (B) Establish reserves and participation fees.

30 (C) Establish procedures for the entry into, and disenrollment
31 of counties from the County Medical Services Program.
32 Disenrollment procedures shall be fair and equitable.

33 (D) Establish cost containment and case management
34 procedures, including, but not limited to, alternative methods for
35 delivery of care and alternative methods and rates for those
36 authorized by the department.

37 (E) Sue and be sued in the name of the CMSP Governing
38 Board.

39 (F) Apportion jurisdictional risk to each county.

1 (G) Utilize procurement policies and procedures of any of the
2 participating counties as selected by the governing board.

3 (H) Make rules and regulations.

4 (I) Make and enter into contracts or stipulations of any nature
5 with a public agency or person for the purposes of governing or
6 administering the CMSP.

7 (J) Purchase supplies, equipment, materials, property, or
8 services.

9 (K) Appoint and employ staff to assist the CMSP Governing
10 Board.

11 (L) Establish rules for its proceedings.

12 (M) Accept gifts, contributions, grants, or loans from any
13 public agency or person for the purposes of this program.

14 (N) Negotiate and set rates, charges, or fees with service
15 providers, including alternative methods of payment to those used
16 by the department.

17 (O) Establish methods of payment that are compatible with the
18 administrative requirements of the department's fiscal
19 intermediary during the term of any contract with the department
20 for the administration of the CMSP.

21 (P) Use generally accepted accounting procedures.

22 (2) The Legislature finds and declares that the amendment of
23 subparagraph (N) of paragraph (1) in 1995 is declaratory of
24 existing law.

25 (g) (1) The CMSP Governing Board shall be considered a
26 "public entity" for purposes of Division 3.6 (commencing with
27 Section 810) of Title 1 of the Government Code, and a "local
28 public entity" for purposes of Part 3 (commencing with Section
29 900) of Division 3.6 of Title 1 of the Government Code, but shall
30 not be considered a "state agency" for purposes of Chapter 3.5
31 (commencing with Section 11340) of Part 1 of Division 3 of Title
32 2 of the Government Code and shall be exempt from that chapter.
33 No participating county shall have any liability for civil judgments
34 awarded against the County Medical Services Program or the
35 board. Nothing in this paragraph shall be construed to expand the
36 liability of the state with respect to the County Medical Services
37 Program beyond that set forth in Section 16809. Nothing in this
38 paragraph shall be construed to relieve any county of the
39 obligation to provide health care to indigent persons pursuant to
40 Section 17000.

(2) Before initiating any proceeding to challenge rates of payment, charges, or fees set by the board, to seek reimbursement or release of any funds from the County Medical Services Program, or to challenge any other action by the board, any prospective claimant shall first notify the board, in writing, of the nature and basis of the challenge and the amount claimed. The board shall consider the matter within 60 days after receiving the notice and shall promptly thereafter provide written notice of the board's decision. This paragraph shall have no application to provider audit appeals conducted pursuant to Article 1.5 (commencing with Section 51016) of Chapter 3 of Division 3 of Title 22 of the California Code of Regulations and shall apply to all claims not reviewed pursuant to Sections 51003 or 51015 of Title 22 of the California Code of Regulations.

(3) All regulations adopted by the CMSP Governing Board shall clearly specify by reference the statute, court decision, or other provision of law that the governing board is seeking to implement, interpret, or make specific by adopting, amending, or repealing the regulation.

(4) No regulation adopted by the governing board is valid and effective unless the regulation meets the standards of necessity, authority, clarity, consistency, and nonduplication, as defined in paragraph (5).

(5) The following definitions govern the interpretation of this subdivision:

(A) "Necessity" means the record of the regulatory proceeding that demonstrates by substantial evidence the need for the regulation. For purposes of this standard, evidence includes, but is not limited to, facts, studies, and expert opinion.

(B) "Authority" means the provision of law that permits or obligates the CMSP Governing Board to adopt, amend, or repeal a regulation.

(C) "Clarity" means that the regulation is written or displayed so that the meaning of the regulation can be easily understood by those persons directly affected by it.

(D) "Consistency" means being in harmony with, and not in conflict with, or contradictory to, existing statutes, court decisions, or other provisions of law.

(E) "Nonduplication" means that a regulation does not serve the same purpose as a state or federal statute or another regulation.

1 This standard requires that the governing board identify any state
2 or federal statute or regulation that is overlapped or duplicated by
3 the proposed regulation and justify any overlap or duplication.
4 This standard is not intended to prohibit the governing board from
5 printing relevant portions of enabling legislation in regulations
6 when the duplication is necessary to satisfy the clarity standard in
7 subparagraph (C). This standard is intended to prevent the
8 indiscriminate incorporation of statutory language in a regulation.

9 (h) The requirements of the Ralph M. Brown Act (Chapter 9
10 commencing with Section 54950) of Part 1 of Division 2 of Title
11 5 of the Government Code) shall apply to the meetings of the
12 CMSP Governing Board, including meetings held pursuant to
13 subdivision ~~(l)~~ (i), except the board may meet in closed session to
14 consider and take action on matters pertaining to contracts and
15 contract negotiations with providers of health care services.

16 (i) (1) The governing board shall comply with the following
17 procedures for public meetings held to eliminate or reduce the
18 level of services, restrict eligibility for services, or adopt
19 regulations:

20 (A) Provide prior public notice of those meetings.

21 (B) Provide that notice not less than 30 days prior to those
22 meetings.

23 (C) Publish that notice in a newspaper of general circulation in
24 each participating CMSP county.

25 (D) Include in the notice, at a minimum, the amount and type
26 of each proposed change, the expected savings, and the number of
27 persons affected.

28 (E) Hold those meetings in the county seats of at least four
29 regionally distributed CMSP participating counties.

30 (F) Locate those meetings so as to provide that each hearing
31 will be within a four-hour one-way drive of one quarter of the
32 target population so that the four meetings shall be held at locations
33 in the state that will ensure that each member of the target
34 population may reach at least one of the meetings by a one-way
35 drive that does not exceed four hours.

36 (2) From January 1, 2004, to July 1, 2005, inclusive, the
37 requirements for public meetings pursuant to this subdivision to
38 eliminate or reduce the level of services, or to restrict the eligibility
39 for services, are satisfied if at least three voting members of the
40 governing board hold the meetings as required and report the

1 testimony from those meetings to the full board at its next regular
2 meeting. No action shall be taken at any ~~action~~ *meeting* held
3 pursuant to this subdivision.

4 (j) Records of the County Medical Services Program and of the
5 CMSP Governing Board that relate to rates of payment or to the
6 board's negotiations with providers of health care services or to the
7 board's deliberative processes regarding either shall not be subject
8 to disclosure pursuant to the Public Records Act (Chapter 5
9 (commencing with Section 6250) of Division 7 of Title 1 of the
10 Government Code).

11 (k) The following definitions shall govern the construction of
12 this part, unless the context requires otherwise:

13 (1) "CMSP Governing Board" means the County Medical
14 Services Program Governing Board established pursuant to this
15 section.

16 (2) "Board" means the County Medical Services Program
17 Governing Board established pursuant to this section.

18 (3) "CMSP" means the program by which health care services
19 are provided to eligible persons in those counties electing to
20 participate in the CMSP pursuant to Section 16809.

21 (4) "CMSP county" means a county that has elected to
22 participate pursuant to Section 16809 in the CMSP.

23 (l) Any references to the "County Medical Services Program"
24 or "CMSP county" in this code shall be defined as set forth in this
25 section.

26 (m) This section shall remain in effect only until January 1,
27 2008, and as of that date is repealed, unless a later enacted statute,
28 that is enacted on or before January 1, 2008, deletes or extends that
29 date.

